

263 U.S. Cases Disposed of Without Consideration by the Court.

No. 723. PYRENE MANUFACTURING COMPANY *v.* HARRISON H. BOYCE ET AL. January 28, 1924. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. F. P. Warfield* for petitioner. *Mr. Charles Neave, Mr. Joseph H. Milans and Mr. Edmund Quincy Moses* for respondents.

No. 724. CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY *v.* JAMES B. FRYE. January 28, 1924. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied. *Mr. Thomas D. O'Brien, Mr. Thomas P. Littlepage, Mr. Alexander E. Horn and Mr. Edward S. Stringer* for petitioner. *Mr. Frederick M. Miner* for respondent.

No. 725. JAY A. HEIDBRINK ET AL. *v.* ELMER I. MCKESSON. January 28, 1924. Petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. F. A. Whiteley* for petitioners. *Mr. George E. Kirk* for respondent.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM OCTOBER 1, 1923, TO
AND INCLUDING JANUARY 28, 1924.

No. 2. HILLSBORO COAL COMPANY ET AL. *v.* EDWARD C. KNOTTS, UNITED STATES DISTRICT ATTORNEY, ETC., ET AL. Appeal from the District Court of the United States for the Southern District of Illinois. October 1, 1923. Dismissed, without costs to either party, per stipulation, on motion of *Mr. Solicitor General Beck* in that behalf. *Mr. Stephen A. Foster, Mr. Rush C. Butler and Mr. James M. Graham* for appellants.

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No. 3. HERMAN C. PERRY ET AL. v. EDWARD C. KNOTTS, UNITED STATES DISTRICT ATTORNEY, ETC., ET AL. Appeal from the District Court of the United States for the Southern District of Illinois. October 1, 1923. Dismissed, without costs to either party, per stipulation, on motion of *Mr. Solicitor General Beck* in that behalf. *Mr. Nathan G. Moore*, *Mr. William P. Sidney* and *Mr. William D. Bangs* for appellants.

No. —, Original. R. LEE MAKELY, TRADING AS MAKELY MOTOR COMPANY, v. VICTOR P. GAUTHEY ET AL. October 1, 1923. Motion for leave to file original action in assumpsit herein, dismissed, without prejudice, on motion of *Mr. Lloyd T. Everett* for plaintiff.

No. 8. JAMES C. DAVIS, DIRECTOR GENERAL, ETC. v. J. J. SMITH, JR., ADMINISTRATOR, ETC. Error to the Supreme Court of the State of Mississippi. October 1, 1923. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. H. O'B. Cooper* for plaintiff in error. *Mr. Marion W. Reily* for defendant in error.

No. 13. LOS ANGELES GAS & ELECTRIC CORPORATION v. DEPARTMENT OF PUBLIC SERVICE OF THE CITY OF LOS ANGELES ET AL. Error to the District Court of Appeal, First Appellate District, Division 1, of the State of California. October 1, 1923. Dismissed with costs, per stipulation. *Mr. Paul Overton* and *Mr. Samuel Poorman, Jr.*, for plaintiff in error. No appearance for defendants in error.

No. 302. MISSOURI PACIFIC RAILROAD COMPANY v. DOROTHY PUGH. Error to the Supreme Court of the State

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of Arkansas. October 1, 1923. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. E. B. Kinsworthy* and *Mr. Robert E. Wiley* for plaintiff in error. No appearance for defendant in error.

No. 302. MISSOURI PACIFIC RAILROAD COMPANY *v.* DOROTHY PUGH. Error to the Supreme Court of the State of Arkansas. October 1, 1923. Petition for a writ of certiorari herein dismissed, on motion of counsel for plaintiff in error and petitioner. *Mr. E. B. Kinsworthy* and *Mr. Robert E. Wiley* for plaintiff in error and petitioner. No appearance for defendant in error and respondent.

No. 406 AMERICAN RAILWAY EXPRESS COMPANY *v.* SANTA ANNA GAS COMPANY. On petition for a writ of certiorari to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. October 1, 1923. Petition dismissed, on motion of counsel for petitioner. *Mr. Frank L. Snodgrass* and *Mr. Prescott Gatley* for petitioner. No appearance for respondent.

No. 191. JOHN A. GROGAN, COLLECTOR OF INTERNAL REVENUE, ETC. *v.* BRYANT WALKER, EXECUTOR, ETC. Error to the District Court of the United States for the Eastern District of Michigan. October 5, 1923. Dismissed with costs, on motion of *Mr. Solicitor General Beck* for plaintiff in error. *Mr. H. E. Spalding* for defendant in error.

No. 430. JOHN A. DAVIS ET AL. *v.* G. G. WARDE ET AL. Error to the Supreme Court of the State of Georgia. October 5, 1923. Dismissed with costs, per stipulation. *Mr. John D. Little*, *Mr. Arthur G. Powell*, *Mr. Marion*

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Smith, Mr. Max F. Goldstein, Mr. Sam S. Bennett, Mr. J. Robert Pottle and Mr. Isaac J. Hofmayer for plaintiffs in error. No appearance for defendants in error.

No. 433. JULES SCHNERB ET AL. *v.* HOLT MANUFACTURING COMPANY. On petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit. October 8, 1923. Dismissed, per stipulation. *Mr. William H. Page* for petitioners. No appearance for respondent.

No. 63. CHARLES D. NEWTON, AS ATTORNEY GENERAL OF THE STATE OF NEW YORK, ET AL. *v.* NEWTOWN GAS COMPANY. Appeal from the District Court of the United States for the Southern District of New York. October 8, 1923. Dismissed, per stipulation. *Mr. John J. O'Brien and Mr. Harry Hertzoff* for appellants. No appearance for appellee.

No. 88. UNITED STATES *v.* NATIONAL CITY BANK OF NEW YORK. Error to the Circuit Court of Appeals for the Second Circuit. October 15, 1923. Dismissed, on motion of *Mr. Solicitor General Beck* for the United States. No appearance for defendant in error.

No. 96. SOUTHEASTERN EXPRESS COMPANY *v.* STOKES V. ROBERTSON, STATE REVENUE AGENT, ETC., ET AL. Appeal from the District Court of the United States for the Southern District of Mississippi. October 16, 1923. Dismissed with costs, without prejudice to the right of the appellant to prosecute its appeal in case (between same parties) now pending in this Court, being No. 216, October Term, 1923, on motion of counsel for appellant. *Mr. Sanders McDaniel, Mr. A. S. Bozeman and Mr. H. L. Greene* for appellant. No appearance for appellees.

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NO. 614. HOMER I. STEPHENSON *v.* FRANK KRATKE, WARDEN OF THE COMMON JAIL OF THE CITY AND COUNTY OF DENVER. Appeal from the District Court of the United States for the District of Colorado. October 22, 1923. Docketed and dismissed with costs, on motion of *Mr. Blackburn Esterline* for appellee. No appearance for appellant.

NO. 644. UNITED STATES *v.* PRINCE LINE, LTD. Error to the District Court of the United States for the Eastern District of New York. November 12, 1923. Docketed and dismissed, on motion of *Mr. Cletus Keating* for defendant in error. *Mr. Solicitor General Beck* for the United States.

NO. 645. UNITED STATES *v.* AMERICAN HAWAIIAN STEAMSHIP COMPANY. Error to the District Court of the United States for the Eastern District of New York. November 12, 1923. Docketed and dismissed on motion of *Mr. Cletus Keating* for defendant in error. *Mr. Solicitor General Beck* for the United States.

NO. 196. HARRY RYAN ET AL. *v.* UNITED STATES. On petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. November 12, 1923. Dismissed, on motion of counsel for petitioners. *Mr. Charles E. Riordan* for petitioners. *The Attorney General* for the United States.

NO. 234. VENANCIO CONCEPCION *v.* PEOPLE OF THE PHILIPPINE ISLANDS. On petition for a writ of certiorari to the Supreme Court of the Philippine Islands. November 12, 1923. Dismissed, on motion of counsel for petitioner. *Mr. A. C. Carson* for petitioner. No appearance for respondent.

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No. 287. SAMUEL GREENBERG ET AL. *v.* UNITED STATES. On petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. November 12, 1923. Dismissed, on motion of counsel for petitioners. *Mr. John H. Bruninga* for petitioners. *The Attorney General* for the United States.

No. 372. C. E. GAINES *v.* STATE OF TEXAS. On petition for a writ of certiorari to the Court of Criminal Appeals of the State of Texas. November 12, 1923. Dismissed, per stipulation. *Mr. W. W. Nelms* for petitioner. *Mr. W. A. Keeling* for respondent.

No. 12, Original. *Ex parte*: IN THE MATTER OF MICHAEL QUINN, PETITIONER. Petition for a writ of mandamus. November 19, 1923. Petition dismissed, on motion of counsel for petitioner. *Mr. William C. Prentiss* for petitioner.

No. 387. MICHAEL HEITLER *v.* UNITED STATES;

No. 388. NATHANIEL PERLMAN *v.* UNITED STATES; and

No. 389. MANDEL GREENBERG *v.* UNITED STATES. On petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. November 26, 1923. Petitions dismissed, on motion of counsel for petitioners. *Mr. Weymouth Kirkland* for petitioners. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. Harry S. Ridgely* for the United States.

No. 246. LUCY TOM, NÉE BIGPOND, ET AL. *v.* C. C. MILLS. Error to the Supreme Court of the State of Oklahoma. January 2, 1924. Dismissed with costs, per stipulation. *Mr. Finis E. Riddle* and *Mr. James J. Mars*

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for plaintiffs in error. *Mr. Albert H. Bell* and *Mr. Ray S. Fellows* for defendant in error.

No. 490. LOUISIANA PUBLIC SERVICE COMMISSION ET AL. v. SHREVEPORT RAILWAYS COMPANY. Appeal from the District Court of the United States for the Eastern District of Louisiana. January 2, 1924. Dismissed with costs, per stipulation: *Mr. Huey P. Long* for appellants. *Mr. Wm. H. Armbrrecht* and *Mr. E. H. Randolph* for appellee.

No. 687. HAMILTON F. KEAN ET AL. v. NATIONAL CITY BANK. On petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. January 2, 1924. Dismissed, on motion of counsel for petitioners. *Mr. William H. FitzHugh* for petitioners. No appearance for respondent.

No. 149. JAMES C. DAVIS, DIRECTOR GENERAL OF RAILROADS, ETC. v. SAMUEL WECHSLER. On writ of certiorari to the Kansas City Court of Appeals of the State of Missouri. January 7, 1924. Reversed with costs, and cause remanded for further proceedings, per stipulation. *Mr. O. H. Dean*, *Mr. H. M. Langworthy* and *Mr. Roy B. Thomson* for petitioner. *Mr. William S. Hogsett*, *Mr. Murat Boyle* and *Mr. Mont T. Prewitt* for respondent.

No. 669. HON. EDWARD E. CUSHMAN, UNITED STATES DISTRICT JUDGE, ETC. v. PACIFIC TELEPHONE & TELEGRAPH COMPANY. On petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. January 7, 1924. Petition dismissed, on motion of counsel for petitioner. *Mr. Raymond W. Clifford* and *Mr. Thos. J. L. Kennedy* for petitioner. *Mr. C. M. Bracelen*, *Mr. Otto*

B. Rupp, Mr. H. D. Pillsbury, Mr. Frank T. Post and Mr. W. V. Tanner for respondent.

No. 459. CITY OF JACKSON *v.* LAMAR LIFE INSURANCE COMPANY ET AL.; and

No. 460. CITY OF JACKSON *v.* MISSISSIPPI FIRE INSURANCE COMPANY ET AL. Error to the Supreme Court of the State of Mississippi. January 14, 1924. Dismissed with costs, on motion of *Mr. Garner W. Green* and *Mr. Marcellus Green* for plaintiff in error. *Mr. J. Morgan Stevens* for defendants in error.

No. 210. THOMAS M. BLAKE *v.* UNITED STATES. Appeal from the Court of Claims. January 28, 1924. Dismissed, on motion of counsel for appellant. *Mr. Jennings C. Wise* for appellant. *The Attorney General* for the United States.

CASES DISPOSED OF IN VACATION.

No. 338. FREDERIC SCHUTTE, ADMINISTRATOR, ETC., ET AL. *v.* THOMAS W. MILLER, AS ALIEN PROPERTY CUSTODIAN, ET AL. Appeal from the Court of Appeals of the District of Columbia. June 28, 1923. Dismissed pursuant to the 28th Rule. *Mr. John Wilson Brown III* and *Mr. Alfred K. Nippert* for appellants. *The Attorney General* for appellees.

No. 52. MACHINERY & METALS SALES COMPANY, ETC. *v.* UNITED STATES. Appeal from the Court of Claims. July 5, 1923. Dismissed pursuant to the 28th Rule. *Mr. W. E. Humphrey* and *Mr. Wm. C. Prentiss* for appellant. *Mr. Solicitor General Beck, Mr. Assistant Attorney General Lovett* and *Mr. W. W. Dyar* for the United States.